

ORDINANCE NO. 07- 1480

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING", ARTICLE IV "DISTRICT REGULATIONS", SECTION 90-145 "RS SINGLE-FAMILY RESIDENTIAL DISTRICT" AND SECTION 90-146 "RS-1 AND RS-2 SINGLE FAMILY RESIDENTIAL DISTRICTS"; AMENDING CHAPTER 90 "ZONING", ARTICLE V "SUPPLEMENTARY REGULATIONS", SECTION 90-144(e) "YARDS GENERALLY, ALLOWABLE PROJECTIONS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town wishes to amend the code related to conversion of garages.

THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. **Recitals.** The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. **Code Amended.** **Garage Conversions.** Section 90-145 "RS single-family residential district" and Section 90-146 "RS-1 and RS-2 single-family residential districts" of Article IV "District Regulations" and Section 90-177(e) of Article V "Supplementary Regulations," of Chapter 90 "Zoning" of the Town Code are hereby amended to read as follows:¹

Sec. 90-145. RS single-family residential district.

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are indicated by ~~strikethrough~~.

(b) *Permitted uses.* A building or land shall be used only for the following purposes:

(1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:

a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.

b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services, except as otherwise permitted by Section 90-250 entitled "Home Offices."

c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking facilities shall be permitted.

d. ~~No building or buildings shall be altered by adding an exterior door to such building or buildings, nor shall any addition be constructed to any building or buildings~~

~~which would add an exterior door; except that in the addition of an enclosed porch or Florida room, an exterior door may be installed on the wall facing the rear yard.~~ When a garage is converted for any other use, the garage door or doors shall be replaced by a solid exterior wall and access to the former garage area ~~shall~~ must be provided from the main premises, ~~only. in addition to any other permitted access.~~ At least one window shall be provided. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by Section 90-250 entitled "Home Offices."

e. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed and the exterior door must be accordingly corrected to comply with the Florida Building Code. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setback.

Sec. 90-146. RS-1 and RS-2 single-family residential districts.

- (b) *Permitted uses.* A building or land shall be used only for the following purposes:
- (1) Detached single-family dwellings, subject to the following restrictions and limitations, as follows:

- a. No structure shall be used or permitted to be used and no structure shall be hereafter erected, constructed, moved, reconstructed, structurally altered or maintained for any purpose which is designed, arranged or intended to be used or occupied for any purpose other than as a one-family residence, including every customary use not inconsistent therewith.
- b. Every use not specifically authorized and permitted is prohibited and nothing herein shall authorize or be construed to permit the renting of a room or a portion of the property or improvement; or, to permit the use of any part of the premises as a business, office or establishment for the purpose of carrying on any business or the practice of rendering personal, trade or professional services-, except as otherwise permitted by Section 90-250 entitled "Home Offices."
- c. An accessory or subordinate building, attached or detached from the main premises in a single-family district, shall be construed to permit the use of such building for the purposes of garages, cabanas, storage and home workshops (non-commercial). However, nothing herein shall authorize or be construed to permit the occupancy or the use of any accessory building or structure, as a place of abode or dwelling, and no cooking facilities shall be permitted.
- d. ~~No building or buildings shall be altered by adding an exterior door to such building or buildings, nor shall any addition be constructed to any building or buildings which would add an exterior door; except that in the addition of an enclosed porch or Florida room, an exterior door may be installed on a nonbearing wall facing the rear yard.~~ When a garage is converted for any other use, the garage door or doors shall be replaced

by a solid exterior wall and access to the former garage area ~~shall~~ must be provided from the main premises, ~~only-~~ in addition to any other authorized access. At least one window shall be provided. It is intended hereby to prohibit and prevent any violation of the single-family classification and to minimize the burden upon the administrative forces of the town in policing and enforcing the provisions hereof. Changes to the appearance of the residence shall not constitute a change prohibited by Section 90-250 entitled "Home Offices."

e. If the exterior door of the garage conversion is no longer level with grade, stairs may be installed and the exterior door must be accordingly corrected to comply with the Florida Building Code. The stairs shall be permitted to encroach no more than 24 inches into the side or rear setback.

(2) Public parks and playgrounds.

Section 90-177. Yards generally, allowable projections.

(e) In all districts except the RT-1 district, open, unenclosed building entrance porches, platforms, stairs or paved terraces, not covered by a roof or canopy, and which do not extend above the level of the grade or entrance floor of the building, may extend or project into the required front or side yard not more than six feet.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4. Inclusion in the Code. It is the intention of the Mayor and Town Commission of the Town of Surfside, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the Town of Surfside, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 5. Conflicts. Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective in ten (10) days after second reading.

PASSED and ADOPTED on First Reading the 6th day of May, 2007.

PASSED and ADOPTED on Second Reading this 12th day of June, 2007.

Charles W. Burkett, Mayor

Attest:

Beatris M. Arguelles, CMC
Town Clerk

Approved As to Form and Legal Sufficiency:

Lynn M. Dannheisser, Town Attorney

Moved by: Commissioner Levine

Second by: Vice Mayor Weinberg

Vote: 4-1

Mayor Burkett	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Weinberg	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Blumstein	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Commissioner Imberman	yes	<input type="checkbox"/>	no	<input checked="" type="checkbox"/>
Commissioner Levine	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>